



राजपत्र, हिमाचल प्रदेश

हिमाचल प्रदेश राज्य शासन द्वारा प्रकाशित

वीरवार, 18 मार्च, 2021 / 27 फाल्गुन, 1942

हिमाचल प्रदेश सरकार

लोक निर्माण विभाग

अधिसूचना

शिमला—2, 15 मार्च, 2021

सं0पी0बी0डब्ल्यू0 (बी0)एफ(5)69 / 2019.—यतः हिमाचल प्रदेश के राज्यपाल को यह प्रतीत होता है कि हिमाचल प्रदेश सरकार को सरकारी व्यय पर सार्वजनिक प्रयोजन हेतु नामतः गांव फाटी कनौन, उप तहसील सैंज, जिला कुल्लू, हिमाचल प्रदेश में लारजी सैन्ज सड़क के निर्माण हेतु भूमि अर्जित करनी अपेक्षित

है, अतएव एतद् द्वारा यह अधिसूचित किया जाता है कि उक्त परिक्षेत्र में जैसा कि निम्न विवरणी में निर्दिष्ट किया गया है, उपरोक्त प्रयोजन के लिए भूमि का अर्जन अपेक्षित है।

2. यह अधिसूचना ऐसे सभी व्यक्तियों को, जो इससे सम्बन्धित हो सकते हैं, की जानकारी के लिए भूमि अर्जन, पुनर्वास और पुनर्वर्वस्थापन में उचित प्रतिकर और पारदर्शिता अधिकार अधिनियम, 2013 (2013 का 30) की धारा-11 के उपबन्धों के अन्तर्गत जारी की जाती है।

3. पूर्वोक्त धारा द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए राज्यपाल, हिमाचल प्रदेश इस समय इस उपक्रम में कार्यरत सभी अधिकारियों उनके कर्मचारियों और श्रमिकों को इलाके की किसी भी भूमि में प्रवेश करने और सर्वेक्षण करने तथा उप-धारा द्वारा अपेक्षित अथवा अनुमत: अन्य सभी कार्यों को करने के लिए सहर्ष प्राधिकार देते हैं।

4. कोई भी हितबद्ध व्यक्ति जिसे उक्त परिक्षेत्र में कथित भूमि के अर्जन पर कोई आपत्ति हो तो वह इस अधिसूचना के प्रकाशित होने के साठ दिन की अवधि के भीतर लिखित रूप में भू-अर्जन समाहर्ता, (मण्डी क्षेत्र) लोक निर्माण विभाग, (हि० प्र०) के समक्ष अपनी आपत्ति दायर कर सकता है।

विवरणी

जिला	उप तहसील	गांव	खसरा नं०	रकबा (बीघे में)
कुल्लू	सैन्ज	फाटी कनौन	1267 / 1	0-1-04
			1268 / 1	0-5-18
			कित्ता 02	0-7-02

आदेश द्वारा,
हस्ताक्षरित / –
अति० मुख्य सचिव।

INDUSTRIES DEPARTMENT

NOTIFICATION

Shimla-2, the 15th March, 2021

No. Ind-II(B) 15-3/2021.—The Governor, Himachal Pradesh in exercise of the powers conferred under section 21 of the Right of Persons with Disability Act, 2016, is pleased to notify Equal Opportunity Policy for Person with Disability employees in respect of Department of Industries in the State of H.P as per Annexure- “A” with immediate effect.

By order,
Sd/-
(RAM SUBHAG SINGH),
Additional Chief Secretary (Inds).

Equal Opportunity Policy in respect of employees of Department of Industries , Himachal Pradesh

Background:

The Government of India has enacted Rights of Person with Benchmark Disabilities (RPwD) Act, 2016. The Section 21(I) states that every establishment shall notify Equal Opportunity Policy and also Section 21 (2) of the Act, envisages that every establishment shall register a copy of the said policy with the state Commissioner for the Persons with Disability.

Objective:

This Policy aims to safeguard the equality of self determination, dignity and inclusion of Person with Benchmark Disability employee working in Directorate as well as at Districts and Block level offices.

The objectives of this policy is to ensure that all the Persons with Benchmark Disability Employee of this Department are not only to improve the quality of life of person with benchmark disability but also to promote the safeguard quality, self determination dignity and social inclusion of persons with benchmark disability.

The Persons with Benchmark Disabilities include those who have long-term physical mental, intellectual or sensory impairments and possesses certificate of disability issued by a competent authority under section 57 of the RpwD Act, 2016.

Applicability:

This Policy is applicable to the Employees having Benchmark Disability of the Department. This Policy is consonantly applied throughout the period of employment of the employee right from his recruitment till his/ her employment in the Department.

Policy:

It is policy of Department of Industries, Himachal Pradesh, to provide equal employment opportunities, without any discrimination on the grounds of caste, colour, disability, Marital status, nationality, race, religion, sexual orientation. The Directorate of Industries Himachal Pradesh retrieve to maintain a work environment that is free from any harassment based on above consideration.

This Equal Opportunity Policy is subject to applicable regulations qualifications and merit of the individual. This policy will consistently be applied throughout the period of employment of the individual, right from the recruitment process till retirement from service.

Equal Opportunity and Non-Discrimination:

In accordance with the provisions of the Right of Person with Disabilities Act, 2016 and Rules, 2017. It is the policy of Department of Industries to ensure that the work environment is free from any discrimination against the Persons with Benchmark Disabilities. Further, the Directorate of Industries will take all actions to ensure that a conducive environment is provided to persons with benchmark disabilities to perform their role and excel in the same. The Directorate of

Industries strives towards establishing systems and processes to ensure:

1. That appropriate facilities and amenities would also be provided to persons with disabilities to enable them to effectively discharge their duties in the establishment and no officer/ official shall be deprived of his or her personal liberty on the ground of disability.
2. That provision shall be made for an accessible environment, accessible buildings and availability of assistive paraphernalia as required to enable the persons with benchmark disabilities to effectively discharge their duties in the establishment.
3. That a Grievance Redressal Mechanism for addressing the matters related to the employment of persons with benchmark disabilities is available. Joint Director of Industries (Admn.) is the Grievance Redressal Officer who will look after all the grievances of the PwDs in the Directorate of Industries and the same is accountable to Director of Industries.
4. That the various sections in the Directorate and in the respective offices at districts will ensure that if any grievance does arise & is brought up to the concerned committee/ officer with respect to selection of Person(s) with Benchmark disabilities for any position training, promotion transfer posting, leave, assistive aid & preference in accommodation allocation etc. is dealt within a fair and equitable manner free from any discrimination.
5. That no opportunities are denied to persons with disabilities merely on the ground of his disability.
6. No discrimination practice are to be engaged in the course of employment of persons with benchmark disability, including recruitment and career advancement or not to dispense with or reduce in rank an employee who acquires a disability during his or her service. Provided that if an employee after acquiring disability is not suitable for the post he was holding , shall be shifted to some other post with the same pay scale and service benefits. Provided further that if it is not possible to adjust the employee against any post, he may be kept on a supernumerary post until a suitable post is available or he attains the age of superannuation, whichever is earlier.

Identification of Posts for Reservation:

The Directorate of Industries shall identify the posts reserved for Persons with Benchmark Disabilities as per Section 34(1) of the RPwD Act, 2016 that provides of 4% reservation to the Person with Benchmark Disabilities. The information regarding identified posts and vacancies would be notified and uploaded on the website of this Directorate. The identified posts shall be filled up by the Directorate of Industries as per the directions issued by the State Govt. from time to time and the same shall also be furnished to the employment exchange.

Manner of Selection:

The Directorate of Industries adopts the selection policy of the state Government regarding filling up of posts reserved for the Persons with Disabilities.

Leave:

The Specially Abled employee of this Directorate will be governed by the rules of leave specified by the State Government from time to time.

Liasion Officer:

The Establishment Section of Directorate of Industries will ensure to designate a Liasion Officer, at the Directorate level to oversee the provision of required facilities/amenities including the process of recruitment of Persons with Benchmark Disabilities. Supdt. Grade-I (Estt.) will be the Liasion officer will look after the recruitment of Pwds. He will be accountable to Director of Industries through Joint Director of Industries (Admn.).

Complaints/ Grievance and their Disposal:

A Grievance Redressal Officer has been appointed to hear the pleading/request/grievances of Persons with Disabilities working in the Department. The record of grievances received in this regard will be maintained in the Directorate.

Responsibility:

- Directorate of Industries is responsible for utilization of up to date information regarding applicable laws and rules for Person with Disabilities.
- All the Heads of offices at District level are responsible for giving effect to this policy at District and Block level.
- Any employee who violates this policy shall be dealt in accordance with applicable rules and laws.

Communication of Policy:

This Policy will be available to all employees via the Directorate website.

Maintenance of Record :

Records shall be maintained as per the provisions of laws and rules thereunder, shall maintain in relation to the matter of employment, facility provided and other necessary information in compliance with the provisions of laws.

This Policy shall be displayed on the Departmental/Directorate of Industries website or at conspicuous places.

LABOUR AND EMPLOYMENT DEPARTMENT**NOTIFICATION**

Shimla-2, the 1st September, 2020

No. Shram(A) 3-10/2020 (Awards).—In exercise of the powers vested under section 17 (1) of the Industrial Disputes Act, 1947, the Governor Himachal Pradesh is pleased to order the publication of awards of the following cases announced by the Presiding Officer, Labour Court Shimla on the website of the Department of Labour & Employment Government of Himachal Pradesh:—

Sl. No.	Reference/application	Title	Section
1.	Ref. 38 of 2016	Sh. Surender Kumari <i>V/s</i> The D.F.O., Shimla	10
2.	Ref. 83 of 2017	Sh. Vipin Kumar <i>V/s</i> Manager M/s Merico Ltd. P/Sahib & Anr.	10
3.	Ref. 94 of 2017	Sh. Abhay Chandel <i>V/s</i> M/s Snow View Automobiles (P) Ltd.	10
4.	Ref. 10/2019	Sh. Ranjeet Singh Jalta <i>V/s</i> M/s Sun Pharmaceuticals Ltd.	10
5.	Ref. 158/2019	Smt. Poonam Sharma & Ors. M/s Akron India/PVt. Ltd & Anr.	10
6.	Ref. 18/2019	Sh. Vijay Kumar <i>V/s</i> M.D. Regent Energy Lt. & Anr.	10
7.	App97/2019	Sh. Hukam Chand Sharma <i>V/s</i> M/s Hilton Precision & Anr.	2A
8.	Ref. 09/2014	Sh. Ajay Kumar Ws M/s Pidilite Industries Ltd. & Anr.	10

By order,
 KAMLESH KUMAR PANT, IAS
Principal Secretary (Lab. & Emp.).

 Surender Kumar

V/s

M/s D.F.O. Shimla

28-02-2020

Present : None for petitioner
 Sh. Nitin Soni Lt. ADA for respondent.

Notices had been issued to the petitioner afresh since none was appearing on his behalf, through registered post. Tracking report was also sought from the postal department. As per the tracking report the petitioner stands duly served, but, none has put in appearance even today.

The perusal of the record shows that after the restoration of the reference on 26.02.2019 six opportunities were granted to the petitioner to file the statement of claim but to no avail. Another opportunity was granted subject to costs of Rs.1000/- on 15.10.2019. As a matter of indulgence one more opportunity was granted for filing of claim, subject to costs already Imposed. No statement of claim was forthcoming. On 02.11.2019, the Lt. Csl. for the petitioner eventually pleaded no Instructions.

Though the petitioner has been duly served none has put appearance on his behalf. The termination of the petitioner as per the reference relates to the year 1998. Seeing to the conduct of the petitioner referred herein above and the fact that the termination relates to the year 1998, apparently the dispute. In question seemingly does not subsist any further. The "Industrial dispute" has ceased to exist. The reference is thus dismissed as having not being pressed. Ordered accordingly. The reference is dismissed In the aforesaid terms. Let a copy of this order be sent to appropriate government for publication in the office gazette. Be consigned to records after completion.

Announced
28-02-2020

Sd/-
(CHRAG BHANU SINGH),
Presiding Judge,
Industrial Tribunal-cum-
Labour Court, Shimla.

Sh. Vipin Kumar *V/s* Manages M/s Marica. Ltd. P/Salib Anr.

05-02-2020

Present: Petitioner in person, alongwith AR J.C. Bhardwaj, Sh. Prateek Kumar, Ld. vice Csl. for respondent No. 1.

Sh. Tarsaim Singh, Ld. Csl. for respondent No. 2.

The representatives for respondent No.2 Sh. Tarsaim Singh Submits that an amount of Rs. 55,000/- stands paid to the petitioner in court today itself as full and final settlement of claim. The petitioner Vipin Kumar also submits that he has received full and final amount as one time settlement. The Separate statement of parties have been recorded in this behalf and placed on the file. The petitioner having been paid an amount of Rs. 55,000/- as full and final statement of the claim. The "Industrial Dispute", referred to this court has since ceased to exist. The reference is thus dismissed as not having been pressed. The petitioner already have been paid an amount of Rs. 55000/- as full and final settlement of claim. Disposed off accordingly. Let a copy of this order be sent to the appropriate government for publication in the official gazette. Be consigned to records after completion.

Announced
05-03-2020

Sd/-
(CHRAG BHANU SINGH),
Presiding Judge,
Industrial Tribunal-cum-
Labour Court, Shimla.

In the Court of Shri Chirag Bhanu Singh, Presiding Judge, H.P. Industrial Tribunal-cum-Labour Court, Shimla, at Chakkar (H.P.)

Reference No. 94 of 2017

Instituted No. 7-6-2017

Decided on 9-3-2020

Abhay Chandel son of Shri Gian Singh Chandel, Resident of Chandel Cottage, Vijay Nagar, B.C.S., Kasumti, Shimla-171009 . *Petitioner.*

Vs.

M/s snow view automobiles Private Ltd., Opposite Government Printing Press, NH-22, Ghora Chowki, Shimla, H.P., Ghora Chowki, Shimla, H.P., through its Chief Executive Officer. . *Respondent.*

Reference under Section 10 of the Industrial Disputes Act, 1947

For petitioner : Shri Rajesh Kashyap, Advocate

For respondent : Shri Rahul Mahajan Advocate.

AWARD

A reference has been received from the appropriate government, for adjudication, in the following terms :

"Whether termination of services of Sh. Abhay Chandel c/o Chandel Cottage, Vijay Nagar, B.C.S. Kasumti, Shimla-9, H.P., during july, 2016 by the management of M/s Snow View automobile Pvt. Lt. Opp. Govt. Printing Press, NH-22, Ghora Chowki, Shimla-5, H.P., allegedly without complying with the provisions of the industrial Disputes act, 1947 is legal and justified? If not, what amount of back wages, past service benefits and compensation the above ex-worker is entitled to from the above employer/management?"

2. The case espoused by the petitioner in the statement of claim is that he came to be engaged as a Salesman with the respondent company of 13-11-2015 and he continued working as such with utmost zeal and devotion till 30-06-2016. On 01-07-2017, the Salesman of the respondent company had taken away his sim and badge. He was even forced to submit his resignation, when he did not do so his services were orally terminated from that day onward itself.

3. It is further the case of the petitioner that it was only he who had been subjected to this discriminatory treatment. Some other people, more particularly who were engaged along-with him and similarly situated have been retained by the respondents. Not only this, few fresh hands also stood engaged thereafter.

4. The petitioner thus contends that his termination is violative of the provisions of section 25-F, 25-G and 25-H of the Industrial Disputes Act, 1947 (hereinafter to be referred as the Act). the action of the respondent is also said to be violative of Article 21 of the constitution of India. The petitioner thus claims that he be directed to be re-engaged from the date of his illegal oral termination, along-with all consequential benefits including continuity and seniority in service and back-wages.

5. While contesting the claim the respondents have raised preliminary objections *vis-a-vis* maintainability and competency of the claim. It is also averred that the petitioner has not approached this Court with clean hands and he has concealed material facts from this Court. The reference has been made by the joint Labour Commissioner, who is not the competent to do so as he is not the appropriate government. It is further averred that the present claim is not maintainable as the petitioner himself had not turned up to perform his duties after 30-06-2016. Two letters dated 14-07-2016 and 23-07-2016 were written to the petitioner, but, he had failed to re-join. On 31-07-2016 a cheque being the salary for the month of June 2016 had been sent to the petitioner. The petitioner had tried to encash the said cheque which was returned by the HDFC Bank and thereupon on 08-09-2016 a fresh cheque had been issued to the petitioner in lieu thereof, it is also the case of the respondents that the petitioner had not completed 240 days.

6. On merits too, the respondents have highlighted the same proposition. As per the respondents the petitioner had only completed 212 days of service. He had failed to report after 30-6-2016. Two letters dated 14-7-2016 and 23-7-2016 were written to the petitioner asking him to rejoin, but to no avail.

7. Thereafter *vide* letter dated 31-08-2016, the respondents had sent a cheque in lieu of salary for the month of June 2016. The said cheque was sent back by the petitioner *vide* letter dated 7-9-2016 on the ground that the cheque had not been encashed by the Bank. The respondents had thereafter sent a fresh cheque *vide* letter dated 8-9-2016 amounting to Rs. 7272/- The said cheque was also got encashed by the petitioner, it is denied that the petitioner was ever asked to resign. Other averments in the claim are denied by the respondents.

8. While filing rejoinder the petitioner reiterated the averments made in the claim petition while denying those of the respondent.

9. I notice that on 31-07-2018 the following issues came to be framed by my learned Predecessor :

1. Whether the termination of the services of the petitioner by the respondent during July 2016 without complying with the provisions of the Industrial Disputes Act, 1947 is illegal and unjustified as alleged? . .OPP.
2. If issue No. 1 is proved in affirmative to what relief of service benefits the petitioner is entitled to? . .OPR.
3. Whether the claim petition is neither competent nor maintainable as alleged? . .OPR.
4. Relief

10. I have heard the Ld. Counsel for the parties and have also gone through the record of the case carefully.

11. For the reasons to be recorded hereinafter while discussing issues for determination, my findings on the aforesaid issues are as under :

Issue No. 1	Yes
Issue No. 2	Entitled to reinstatement with seniority and continuity but without back-wages.
Relief.	Reference partly allowed in favour of the petitioner and against the respondent per operative part of award.

Reasons for Findings

Issues No. 1 to 3 :

12. All these issues are being taken up together for discussion as they are correlated and intermingled.

13. One of the main reasons espoused by the respondent to contend that the claim was not maintainable is that the reference has been made by the joint Labour Commissioner and as such it is bad in the eyes of law. Per the respondent a delegate, that is the Labour Commissioner could not have sub-delegated to the joint Labour Commissioner to make a reference to this Court. However, there is a notification dated 15-2-2014 whereby the "appropriate Government" itself has delegated powers to the Joint Labour Commissioner directly. It is not a case that the Labour Commissioner has delegated his powers to the Joint Labour Commissioner. The reference thus cannot be said to be not maintainable on this count at least.

14. The other preliminary objection which has been highlighted with great vehemence is that since the petitioner had not completed 240 days the provisions of the Act could not have been invoked. It is thus the contention of the learned counsel for the respondent that not only is the reference bad on this score also, but, even the petitioner is not entitled to any protection of sections 25F, 25-G and 25-H of the Act.

15. Admittedly, the petitioner had been engaged as a salesman on 13-11-2015. It is the case of the petitioner that after 30-6-2016 he was not allowed to join duty and his Sim and Badge issued by the company was taken back, while it is, the contention of the respondents that the petitioner had failed to report for duty after 30-6-2016. Till that time he had only completed 212 days of service. The respondents had issued letters dated 14-7-2016 and 25-7-2016 requesting the petitioner to join the duties, but, to no avail. Eventually, on 31-8-2016, salary for the month of June 2016 was sent to the petitioner by way of cheque. The petitioner had sent back the cheque *vide* letter dated 7-9-2016 bringing to the notice of the respondent that the cheque had not been encashed by the HDFC bank and thereupon the respondent had sent a fresh cheque on 8-9-2016.

16. In short the case set up by the respondent is that the petitioner himself had left the job on his own. He had never reported for duties after 30-06-2016. No doubt, there is a letter dated 14-07-2016 on record (Ex. RW-1/D) reflecting the absence of the petitioner. The letter however only shows that the petitioner was absent since 1-7-2016. The respondent as per the letter had been afforded twenty four hours to the petitioner to re-join and even afforded him an option to resign if he was not interested to continue with the respondent and complete the no dues certificate and other HR formalities. Purportedly, another letter (Ex. RW-1/f) was sent by the respondent on 23-7-2016 but the same is not legible.

17. On 31-7-2016, *vide* letter Ex.RW-1/G the respondents thereupon sent a cheque amounting to Rs. 7272/- . The same had been paid in lieu of salary for the month of June 2016 which was stated to be lying with the respondent. Apparently, due to some altercation in the amount the cheque had been returned back to the petitioner by the Bank, who in turn sent it back to the respondent. The respondent thereupon on 8-9-2016 reissued a cheque for the same amount to the petitioner.

18. The Learned Counsel for the respondent thus would contend with all vehemence at his command that the abandonment stands proved from the conduct of the petitioner as he had encashed the cheque without any demur. He further contends that Ex. RW-1/J clearly shows that the petitioner had sent the cheque to be encashed and as such his intention of leaving the job was of his own sweet will is quite-apparent from his own act and conduct.

19. The learned counsel for the petitioner on the contrary contends that the petitioner was not allowed to complete 240 days intentionally and before he could do so his services were orally terminated after 30.6.2016.

20. The perusal of the record no doubt shows that the respondent had written a letter *vide* Ex. RW-1/D on 14-7-2016, but, again it related to the absence of the petitioner from 1-7-2016 and he had been given time to rejoin within twenty four hours or In the alternative resign. There is nothing on record to show that the petitioner had tendered his resignation. No doubt a cheque was also sent to the petitioner *vide* Ex. RW-1/G on 31-8-2016, but, that too was in lieu of the pending salary of the petitioner for the month of June 2016.

21. Admittedly, no termination letter has been issued to by the respondents. Even RW-1 admits so in his cross-examination. No such letter has also been placed on record. No doubt, the notices for absence had been issued *vide* Ex. RW-1/D, but, thereupon no formal order was passed terminating the services of the petitioner for willful absence from duties. It thus cannot be said that It is the case of abandonment, parse. Beyond this admittedly the respondents have taken no steps against the petitioner for willful absence from duties nor any formal termination on that ground had been ordered. Strangely, even while sending letter dated 31.8.2016 (Ex. RW-1/G), the salary for the month of June 2016 was sent to the petitioner, no notice terminating his services or sending retrenchment compensation was sent to the petitioner. Even if the respondents had to dispense with the services of the petitioner on this ground alone, the respondent could have sent a statutory notice under section 25-F of the Act along-with retrenchment compensation, if any for it is no ones case that some proceedings were Initiated against the petitioner for willful absence from duty. However, the same was admittedly not done. Seeing to the totality of the circumstances discussed hereinabove it can well be presumed that the respondents intentionally did not allow the petitioner to work after 30-6-2016 so that he may not complete 240 days. On 31-8-2016, when the salary for the month of June 2016 was sent to the petitioner he would have complete 240 days in any case. Presumably, it is for the said reason that the respondent while sending him the salary for the month of June, 2016 did not talk about his termination. It can well be inferred that It was merely to frustrate the provisions of section 25-F of the Act. It thus has to be presumed that the petitioner had completed 240 days with the respondents. Moreover, there is nothing on record to remotely suggest that the services of the petitioner were terminated on 30-6-2016. Abandonment on 30-6-2016 also does not stand proved. By now it is fairly well settled that abandonment is a plea of facts and it has to be substantiated by leading evidence.

22. The learned counsel for the respondent has placed reliance upon he judgment of the hon'ble Supreme Court titled as *Vijay 5. Sathaye Vs. Indian Airlines Limited and Ors.* (2013) 10 SCC 253 to contend that voluntary abandonment of service results in automatic termination of service without necessitating any further order from the employer. I am afraid the ratio of the aforesaid judgment may not come to the rescue of the respondent as in the aforesaid case the petitioner therein had abandoned the Job after seeking voluntary retirement scheme as per the VRS notified by the Indian Airlines to its employees. The petitioner therein after issuing a notice for voluntary retirement failed to report for duty and Joined some other service, without his resignation having been approved. In the present case the facts are totally different. The petitioner herein claims that he was orally terminated while per the respondent he had abandoned the job. Unfortunately abandonment though has been raised as a plea but has not been proved, on record as has been discussed hereinabove.

23. Even otherwise in his affidavit Ex. PW-1/A the petitioner has specifically deposed that the Sales Manager had asked him to resign as there was an order from the company for the termination of the four persons who were appointed along-with the petitioner, but It was only he who was singled out and subjected to discriminatory treatment and other similarly situated persons

and persons juniors to him have since been retained. The said averments had gone uncontested. In these circumstances the provisions of section 25G also come into play and in those circumstances the respondents could only have retrenched workmen who were the last to be employed. It is by now fairly well settled that the requirement of having completed 240 days is not a condition precedent for involving the provisions of section 25-G of the Act. Undoubtedly, no notice had been issued to the petitioner nor any compensation has been granted. There has been an infraction of section 25-G also. Abandonment has not been proved in the strict sense of the matter, as has been detailed hereinabove supra. Viewed holistically it has to be inferred that the termination of the petitioner is violative of the provisions of sections 25-F and 25-G of the Act.

24. The learned counsel for the respondent though has also urged that in case the termination of the petitioner is held to be illegal or wrongful in place of reinstatement compensation may be granted to the petitioner and in this behalf he has placed reliance upon the judgment of the Hon'ble Supreme Court titled as *Bharat Sanchar Nigam Ltd. and others Vs. Kailash Narayan Sharma (2014) 16 SCC 440* and *Superintending Engineer Twad Board and another Vs. M. Natesan and Ors. (2019) 6 sec 448*.

25. No doubt, in the recent past the trend of the Courts has been to grant compensation in lieu of reinstatement but still the Hon'ble Supreme Court has added a word of caution that it will depend upon the facts & circumstances of each case. Compensation in lieu of reinstatement is not a strait jacket formula propounded by the Hon'ble Supreme Court. Even, in the latest case referred to by the learned counsel for the respondent, supra, *i.e.* Superintending Engineer, Twad Board and Another it has been held that the grant of compensation in lieu of reinstatement be not treated as a precedent. Even otherwise seeking to the totality of the circumstances discussed hereinabove and the conduct of the respondent wherein apparently the petitioner was even deprived from completing 240 days though he had been working continuously and un-interruptedly, it would be in fitness of things and in the interest of justice that he is ordered to be reinstated along-with seniority and continuity at the same place and post where he was working prior to his termination, more so as no back-wages are being otherwise ordered in favour of the petitioner.

26. No evidence has been led by the petitioner to remotely suggest that during this interregnum he was no effectively employed. There is not a whisper in this behalf in Ex. PW-1/A, his affidavit tendered by way of evidence. Consequently, while directing the reengagement of the petitioner no back-wages are being allowed, though he would be entitled to continuity and seniority from the date of his termination. The issues are decided accordingly.

Relief.

As a sequel to my above findings/discussion, the reference is partly allowed. The respondent is directed to reengage the petitioner at the same place and post where he was working prior to his termination. The petitioner however shall be entitled to seniority and continuity, though without any back-wages. Let a copy of this award be sent to the appropriate government for publication in the official gazette. File, after completion, be consigned to records.

Announced in the open court today on this day of March, 2020.

Sd/-
 (CHRAG BHANU SINGH),
Presiding Judge,
Industrial Tribunal-cum-
Labour Court, Shimla.

Sh. Ranjeet Singh Julta

V/s

M/s Sun Pharmaceuticals Ltd.

14-3-2020

Present: Petitioner with Shri Tek Chand, Advocate.
Shri Harjit Singh Walia, AR for respondent.

On the last date Shri Jayesh B. Shah, Vice President of Sun Pharmaceutical Ltd. had offered an amount of Rs. Seven lakhs (net to tax) as full & final settlement of the claim. The petitioner submits that he is willing to take the said amount as full & final settlement. He shall also not press the writ petition pending before the Hon'ble High Court for backwages, provided all statutory legal dues including EPF, Gratuity and Leave Encashment is provided to him.

A separate statement of the petitioner in this behalf has been recorded and placed on the file.

As a sequel to the settlement arrived interse the parties, the reference is disposed off with the direction that the respondents shall pay the amount so offered *i.e* Rs. Seven lakhs (net to tax) as full & final settlement of the claim to the petitioner by 10th of April, 2020. The petitioner will however withdraw the writ petition pending before the Hon'ble High Court in respect of the backwages. Over & apart the respondents shall also ensure that all the statutory dues like EPF, Gratuity and Leave Encashment are released in favour of the petitioner as per lac at the earliest. The reference is disposed off in the aforesaid terms. There shall be no orders as to costs. Let a copy of this order be sent to the appropriate government for publication in the official gazette. File after completion be consigned to records.

Sd/-
(CHRAG BHANU SINGH),
Presiding Judge,
Industrial Tribunal-cum-
Labour Court, Shimla.

Smt. P00nam Sharma & 4 Ors.

V/s

M/s Akron India Ref. Ltd. & Ans.

14-03-2020

Present: None for the petitioner.
Shri Rahul Mahajan, Advocate for respondent.

The learned counsel for the respondent submits that after the reference has been made to this Court the petitioner has finally compromised the matter and she already stands paid an amount of Rs. 56,663/- as full & final settlement of the claim. The said amount has been paid by M/s Royal

Associates (Contractor) before the Conciliation Officer. In this behalf a letter has also been addressed to this Court on 16-1-2020. It is also averred in the letter that the petitioner along-with other similarly situated persons do not intend to prosecute the list any further. The learned counsel for the respondents has shown us the original letter dated 16-1-2020 duly countersigned by the Conciliation Officer, Paonta Sahib, District Sirmaur, H.P. (original letter seen and returned). The copy of the same and the receipts issued by the petitioner Poonam on 20-2-2020 along-with four other workers have also been placed on record by the learned counsel along-with compromise deed and affidavit of one Shri Ajay Himanshu, DGM-HR of Akron India Pvt. Ltd.

The perusal of the record conclusively goes to suggest that the matter stands finally compromised by all the four workers and all of them have been paid the different amount as full & final settlement of their respective claims. As per the learned counsel for the respondent all the four have since left the job which is also reflected in the receipts signed by the petitioner and the other similarly situated workers. Since, the compromise has been affected before the conciliation officer there is apparently no reason to dispute veracity of the same. Seeing to the documents placed on record it is more than clear that the parties have compromised the list and the dispute in question has ceased to exist. Even otherwise the petitioner herself has in her letter dated 16.1.2020 stated that she does not want to proceed any further with the reference. In view of the compromise effected inter se the parties. the industrial dispute has indeed ceased to exist. Consequently, it is dismissed as having not been pressed any further more so keeping in view the compromise effected inter se the parties.

The reference is accordingly dismissed. No orders as to costs. Let a copy of this order be sent to the appropriate government for publication in the official gazette. File, after completion be consigned to records.

Sd/-
 (CHRAG BHANU SINGH),
Presiding Judge,
Industrial Tribunal-cum-
Labour Court, Shimla.

Sh. Vijay Kumar

V/s

M.D. Regent Energy Ltd. & Ans.

16.03.2020

Present: Sh. Raj Negi, Ld. Csl. for petitioner.
 Sh. Nek Ram Chauhan, AR for respondent.

The AR of the respondent submits that the respondents are willing to settle the matter by paying an amount of Rs. 3,00,000/- (Rupees three lacs) as full and final settlement of the claim. The petitioner is also present along with the Ld. Csl. He is not averse to finish the dispute on the aforesaid terms, more so keeping in view his transfer whereby he had been ordered to be posted at the head office in Delhi. Sh. Nek Ram Chauhan has handed over a cheque of Rs. 3,00,000/- to the petitioner in the court itself. Separate statement of the parties in this behalf have been recorded and placed on the file.

In view of the aforesaid circumstances the 'Industrial Dispute' has literally ceased to exist and as a sequel thereto is disposed off. The reference is thus accordingly as having not been pressed, in view of the full and final settlement of the claim by the respondent. Disposed off in the aforesaid term. Let a copy of this order be sent to the appropriate government for publication in the official gazette.

Sd/-
 (CHRAG BHANU SINGH),
Presiding Judge,
Industrial Tribunal-cum-
Labour Court, Shimla.

**IN THE COURT OF CHIRAG BHANU SINGH, PRESIDING JUDGE, H.P. INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT, SHIMLA AT CHAKKAR**

Application No. 97 of 2019

Instituted on 6-9-2019

Decided on 17-3-2020

Hukum Chand Sharma s/o Shri Nand Lal, r/o Shri Om Dutt Sharma, VPO Taksal, Tehsil Kasauli, District Solan, H.P. . Petitioner.

Versus

1. M/s Hilton Precision Ltd., Plot No. 19-C, Sector-2 Parwanoo District Solan, H.P. through its authorized signatory.
2. Arvind Sehgal, Authorized Signatory of M/s Hilton Precision Ltd., Plot No. 19-C, Sector-2, Parwanoo, District Solan, H.P. . Respondents.

Application under section 2-A of Industrial Disputes Act, 1947

For petitioner : Shri Vikrant Chauhan, Advocate

For respondent : Ex-parte

AWARD/ORDER

The petitioner has preferred a claim petition under section 2-A of the industrial Dispute', Act, 1947 (hereafter to be referred as the Act) seeking his reinstatement along-with all consequential benefits including full back-wages.

2. The case set-out by the petitioner in the claim petition is that he was appointed as a driver in the respondent in November 2009. on a monthly salary of ₹ 5,500/- which with the passage of time has enhanced to ₹11,500/- per month.

3. However, on 8-8-2018 the petitioner had been thrown out from his service and that too without any reasonable cause. The petitioner had worked with full dedication through out his service. The services of the petitioner were terminated without any basis. No notice whatsoever had been issued to the petitioner nor any retrenchment compensation was paid to him as per the provisions of the Act. Not only this, the respondents had also withheld his one and half month's salary and he had even been denied the other benefits *i.e.* leave encashment, over time etc.

4. The petitioner did try to plead with the respondent management, but to no avail. Consequently, on 22-8-2018, the petitioner had served a demand notice on the factory manager which had been sent through registered post. The copy of the demand notice and the postal receipt have been annexed along-with as Annexures P-1 to Annexures P- 3.

5. The conciliation officer had also sent notice bearing endorsement No. LI/PRW/ID-318 dated 28.8.2018, asking the respondents to file reply thereof. The management though had appeared on 7-9-2018 and even sought time to file reply, but no reply was ever filed. Copies of the proceedings have been annexed along-with as Annexure P-4 & Annexure P-5.

6. Since, nothing fruitful emerged from the conciliation, the petitioner was constrained to approach this Court under section 2-A of the Act.

7. The respondent had been duly served through registered AD. Even, as per the tracking report issued by the postal department, the notices issued by this Court had been duly served on the respondent, but for the reasons best known to the respondents they failed to put in appearance and were hence proceeded *ex-parte* vide an order dated 8-11-2019.

8. The petitioner has led *ex-parte* evidence and while appearing as his own witness has tendered in evidence his affidavit Ex. PW-1/A, wherein he has reiterated the averments made in the claim. The petitioner also placed on record the demand raised by him *vide* a Ex. PW-1/B along-with postal receipt Ex. PW-1/C. He has also placed on record the notice dated 28-8-2018 issued to the respondent by the conciliation officer as Ex. P.W-1/D along-with the copy of the proceedings conducted before the conciliation officer *vide* Ex. PW-1/E. The petitioner has also placed the statement of accounts on record *vide* Ex. PW-1/F.

9. The conjoint reading of the evidence led on record clearly shows that the petitioner was indeed working with the respondent. Not only does the uncontested testimony of the petitioner *vide* Ex. PW-1/A clearly shows so, but, so does the employee state insurance E Pehchan Card placed on record as Annexure P-6, along-with the petitioner also does corroborate the same.

10. The perusal of the demand notice Ex. PW- /B, the notice issued to the respondent Ex. PW1/D and the proceedings of the conciliation officer Ex. PW-I/E does also show that a demand notice had been raised by the petitioner upon which the conciliation officer had already, set the ball rolling. The perusal of Ex. PW-1/E shows that one Lal Singh, AR of the respondent had also put in appearance, but chose not to file any reply and that too despite repeated opportunities.

11. The respondents have even chosen not to put in appearance before this Court, despite having been duly served.

12. The conjoint reading of the evidence discussed hereinabove clearly goes to show that the respondents have indeed terminated the services of the petitioner and that too without any notice as envisaged under section 25-F of the Act nor is there anything on record to show that any retrenchment compensation had been paid to the petitioner. Having failed to abide by the statutory requirements of section 25-F of the Act, I am constrained but to hold that the termination of the petitioner is indeed illegal and against the statutory provisions of section 25-F of the Act.

13. As a sequel thereto the termination is set aside and quashed. The respondent is thus directed to re-engage the petitioner forthwith at the same place and post where he was working prior to his termination on 8-8-2018. The petitioner shall be entitled to seniority and continuity from the date of his illegal termination. Strangely, there is not a whisper in the affidavit of the petitioner that during this interregnum he was not gainfully employed. The petitioner at least was required to plead and even prove that he was not gainfully employed or was employed on lesser wages. Nothing has been said in both the claim and the affidavit Ex. PW-1/A. It has thus to be inferred that he was working during this period that being so, the petitioner shall not be entitled to any back-wages. Though, the respondents shall liable to pay the withheld salary of one and a half months on his rejoining. The application is disposed off in the aforesaid terms. There shall be no orders as to costs. Let a copy of this order/award be sent to the appropriate government for publication in the official gazette. File, after completion, be consigned to records.

Announced in the open court today on this 17th day of March, 2020.

Sd/-
 (CHRAG BHANU SINGH),
Presiding Judge,
Industrial Tribunal-cum-
Labour Court, Shimla.

**IN THE C'OURT OF SH. CHIRAG BHANU SINGH, PRESIDING JUDGE, H.P.
 INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, SHIMLA AT CHAKKAR**

Ref. No. 9 of 2014

Instituted on 7-1-2014

Decided on 17 -3-2020

Ajay Kumar s/o Shri Rikhi Singh, r/o Village Khalet P.O. Thakurdwara, Tehsil Palampur, District Kangra, H.P. through J.C Bhardwaj President, HP AITUC . .Petitioner.

Versus

1. M/s Pidilite Industries Ltd.. Plot No. 75, 76. 77. Village Dharampur, Sai Road Baddi, District Solan, HP. through its Factory Manager.

2. M/s Pidilite Industries Ltd.. Regent Chambers. 7th Floor, Jamnalal Bajaj Marg. 208, Nariman Point Mumbai-400021 through its Managing Director . .Respondents.

Reference under section 10 of the Industrial Disputes Act, 1947

For petitioner : Shri J.C. Bhardwaj, AR

For respondent : Shri Rahul Mahajan, Advocate

AWARD

A reference has been received from the "appropriate government" , in the following terms

'Whether termination of services of Shri Ajay Kumar s/o Shri Rikhi Singh, r/o Village Khalet. P.O Thakurdwara *via* Marranda, Tehsil Palampur, District Kangra H.P. *w.e.f.* 13-10-2012 by the Employer/Managing Director, M/s Pidilite Industries Ltd., Plot No. 75, 76, 77, Village Dharampur, Sai Road Baddi, District Solan, H.P. (present office) and M/s Pidilite Industries Ltd, Regent Chambers, 7th Floor, Zamnalal Bajaj Marg, 208, Nariman Point Mumbai-400021, (Regd office) after conducting an enquiry the punishment is proportionate is legal and justified? If not, what amount of back-wages, seniority, past service benefits and compensation the above worker is entitled to from the above employer?'

2. In pursuance to the reference, it is the averred case of the petitioner is that he joined the services of the respondents in May 2006 as a regular utility technician and continued working as such till 13-10-2012, the date when the respondents had dismissed the petitioner from service his last pay drawn was Rs. 18.000/- per month. He had worked for about seven years with the respondents with an excellent track record.

3. The dismissal, as per the petitioner was a pre planned conspiracy with a malafide intention of dispensing with his\services as he had highlighted certain facts of the respondents whereby his dues under the Employees State Insurance (ESI) and/ the Provident Fund (PF) had not been paid to him, as it was not being deposited by the respondents from the very Inception of his service.

4. Initially he had reported the matter to the Labour Officer Baddi on 1-11-2011 with copies to the management. Since nothing fruitful transpired for about eleven months the petitioner was constrained to petition to the Hon'ble Chief Justice of Himachal Pradesh on whose instance the Labour Commissioner indeed had directed an enquiry by the Labour Officer, Baddi. On enquiry it was found that the petitioner had indeed been deprived of his benefits under the ESL. The non-payment of the benefits thereunder had greatly prejudiced the petitioner and even caused heavy financial loss to him, as he could not claim the benefits when his mother and wife were hospitalized during this period.

5. As per the petitioner the aforesaid complaint resulted in the petitioner being harassed and the respondent management decided to get rid of the petitioner by any means. On 13-10-2012 the petitioner had been asked by the supervisor Shri Anoop Kumar to submit his resignation and settle is account in full & final with the management. After 13-10-2012 the petitioner was never allowed to enter the factory gate. He continuously visited the factory till 5-11-2012 whereupon he was constrained to report the matter to the Labour Officer, Baddi again.

6. It is during the course of conciliation on 4-6-2013 he came to know that some *ex parte* proceedings had been held against the petitioner and he had been dismissed from service. It is the case of the petitioner that no chargesheet was ever served to him nor he had filed any reply thereto. Even the enquiry officer had never served the petitioner before proceeding against him.

7. It is further averred by the petitioner that the documents on record reveal that there was no sufficient material before the enquiry officer to hold him guilty even while proceeding against him *ex parte*. The punishment of dismissal even otherwise was disproportionate to the misconduct alleged, the extreme penalty of dismissal was not warranted in the facts & circumstances of the case. The order of dismissal was also a non-speaking orders and thus bad in the eyes of law.

8. It is also the case of the petitioner that the so called enquiry which was a sham, the termination of the petitioner squarely falls within the ambit of "retrenchment" as defined under section 2.00 of the Industrial Disputes Act, 1947 (hereinafter to be referred as the Act). The termination of the petitioner thus was violative of the provisions of sections 25-N, 25-G and 25-H of the Act. The action of the respondents is also stated to be violative of the provisions of Articles 14 & 21 of the Constitution of India.

9. The petitioner thus prays that the *ex parte* domestic enquiry conducted by the respondent be declared null & void and the order of dismissal may be set-aside and quashed. The respondents be directed to reinstate the petitioner with all consequential benefits including back-wages.

10. The respondents while controverting the allegations have raised preliminary objections *vis-a-vis* maintainability as the petitioner has not approached this Court with clean hands and the averments made in the claim are beyond the terms of reference. The petitioner is also stated to be gainfully employed and earning Rs. 15,000/- to Rs. 20,000/- per month in an around the industrial area of Baddi.

11. The claim is also stated to be not maintainable as the petitioner had been dismissed *w.e.f.* 13-10-2012 after conducting a domestic enquiry into the charges levied *vide* chargesheet dated 16-5-2012, which stood duly proved in the domestic enquiry. The enquiry had been conducted as per the principles of natural justice and fair hearing. The procedure prescribed under the H.P. Industrial Employment Standing Orders, 1973 (Model Standing Orders) had also been followed. The punishment of dismissal was stated to be commensurate with the misconduct alleged. The claim petition was thus said to be not maintainable.

12. On merits, while reiterating the aforesaid averments. It is denied that the petitioner was not being provided the benefits under the ESI and PF. As per the respondents before his dismissal the petitioner was having ESI Code No.1408698469 and PF No. MH/5318/5806. The complaint lodged by the petitioner is further stated to be false, baseless, incorrect and devoid of truth. It is denied that the Labour Commissioner had been directed to enquire into the representation of the petitioner. As per the respondents, prior to dismissal the petitioner was drawing the salary of Rs. 14,728/- per month. It is denied that the petitioner was pressurized to resign.

13. Per the respondent the petitioner was a habitual absentee and used to remain on leave without intimation or getting his leave sanctioned. The respondents had issued several show cause notices/warnings to the petitioner to improve his conduct, but, to no avail. Eventually, the services of the petitioner were dismissed after conducting a just, fair and a proper enquiry. The principles of natural justice were duly followed and the proper procedure prescribed as per the Standing Orders were followed. The enquiry officer was an independent and an impartial person. The charges levied *vide* chargesheet dated 16-5-2012 stood duly proved.

14. It is further the case of the respondents that the petitioner had been issued show cause notice, chargesheet, but the petitioner after having read the same refused to receive it. He even refused to receive the same when they were sent on his postal address made available by the petitioner himself to the respondents. The petitioner was well aware about the proceedings, but he failed to participate in the enquiry proceedings and even refused to receive the intimation. It is further averred by the respondents that the petitioner had even appeared before the enquiry officer on 1-8-2012. He had submitted a letter to the enquiry officer that he is unwell. Thereafter, he never appeared. Even, on the next date *i.e.* 3-8-2012 despite opportunity the petitioner failed to appear. The misconduct attributed to the petitioner *vide* chargesheet dated 16-5-2012 thus stood duly proved. The punishment of dismissal is further stated to be commensurate with the misconduct.

attributed to the petitioner. As per the respondents even the past record of the petitioner was also taken into consideration and there was no extenuating circumstance in favour of the petitioner. The respondents thus pray that claim be dismissed being devoid of any merits.

15. While filing rejoinder, the petitioner has reiterated his averments, denying those made by the respondents.

16. I notice on 28-4-2016, the following issues had come to be framed by my Learned Predecessor:

1. Whether the termination of the services of the petitioner *w.e.f.* 13-10-2012 by the respondents is illegal and unjustified as alleged? *OPP.*
2. If issue No. 1 is proved in affirmative, to what relief or service benefits, the petitioner is entitled? *OPP.*
3. Whether the petition is neither competent nor maintainable as alleged? *OPR.*
4. Relief

17. I have heard the AR for the petitioner and learned Counsel for the respondents and have also scrutinized the entire material on record.

18. For the reasons to be recorded hereinafter while discussing issues for determination my findings on the aforesaid issues are as under :

Issue No. 1 Yes

Issue No. 2 Entitled to reinstatement with seniority and continuity along-with back-wages @ 50% of the wages last drawn.

Issue No. 3 No

Relief Reference answered in favour of the petitioner and against the respondents per operative part of award.

Reasons for findings

Issues No. 1 & 2 :

19. Both the issues are being taken up together for discussion as they are correlated and intermingled.

20. In respect of the termination alleged by the petitioner *w.e.f.* 13-10-2010, it is the specific case of the respondent that the petitioner had come to be dismissed *w.e.f.* 13-10-2012 and that too after conducting a proper domestic enquiry into the charges levelled against the petitioner *vide* chargesheet dated 16-5-2012 (Ex. RW-1/C), which also stood duly proved in the enquiry. The enquiry officer had conducted the enquiry as per the principles of natural justice and fair hearing after following the procedure prescribed under the H.P. Industrial Employment Standing Orders, 1973 (Model Standing Orders). The punishment of dismissal awarded was commensurate to the misconduct alleged it was thus not a case of termination, Simplicitor, but of dismissal and that too for proved misconduct.

21. To countenance the aforesaid plea the main attack of the petitioner, as has been pleaded and is sought to be proved is that neither was the chargeheet ever served on the petitioner nor any service of notice was effected on him prior to the enquiry. The enquiry further was a counter blast to the complaint lodged by the petitioner on 1-1-2011 with the Labour Officer, Baddi. Since, the Labour Officer had not done anything the petitioner was constrained to represent to the Hon'ble Chief Justice of Himachal Pradesh, whereupon the Deputy Director had been directed *vide* a letter dated 21-12-2011 to look into the grievances of the petitioner. The said complaint related to the non-implementation of the provisions of ESI and PF. The other grouse of the petitioner is that the punishment so imposed upon him is also disproportionate.

22. While appearing as his own witness the petitioner has reiterated his allegations in his affidavit Ex. PW-1/A. He has further contended therein that he came to know about the enquiry proceedings being conducted against him only on the basis of the information received by him through RTI from the Labour Officer, Baddi. It is thereafter that he came to know that certain letters had been dispatched by the respondent management from 13-10-2012 to 4-6-2013 on his permanent address, that is his native place whereas he was residing at Baddi throughout. The petitioner has also placed on record his appointment letter Ex. P-1 letters of increments from the year 2008 to 2011 Ex. P-2 to Ex. P-5 one transfer letter Ex. P-6, an appreciation letter Ex. P-7. The complaint dated 1-11-2011 regarding non deposit of ESI contribution and PF has also been placed on record as Ex. P-8. Apart from certain proceedings which commenced before the Labour Officer the petitioner has also placed on record the letter dated 24-11-2011 addressed to the Hon'ble Chief Justice of Himachal Pradesh as Ex. P-13 it also related to the non-deposit of ESI and PF continuation. The petitioner has also placed on record the letter from the Registrar General to the Labour Commissioner Ex. P-14 based upon which the Labour Commissioner had asked the Labour Officer to investigate the matter and report compliance *vide* Ex. P-15. The said letter is dated 8-2-2012. Amongst other documents, the petitioner has also placed on record a letter dated 13-2-2012 *vide* Ex. P-18 wherein it has been noted by the Social Security Officer that the respondents have been deducting the ESI contribution of the petitioner since 24-5-2006, but, there was no evidence to show that a temporary or a permanent ESI identity had been made as the register in this behalf had not been maintained by the respondent. It was also noted that permanent identity Card of the petitioner had not been made. Over & apart the petitioner has also placed on record the copy of the demand notice Ex. P-19 and certain details of over time dues from the respondent and some other communications as Mark PX-I to Mark PS-3.

23. In his cross-examination, the petitioner indeed has admitted that he had only given his permanent address in the application form and the personal data sheet (Ex. R-1 and R-2). Over and apart he had not supplied an other address for his correspondence. He denies having received any of the show cause notices issued by the respondents *vide* Mark RX-1 to Mark PX-5 Strangely, all these show cause notices have been issued from 23-11-2011 to 13-3-2012. The petitioner denies having received show cause notice Mark RX-7 dated 5-2-2011. The petitioner denies having received any communication on his parental address issued *vide* mark RX-8 to Mark RX-21. He also denies having received the chargesheet Mark RX-23 (Ex. RW-1/C). He denies the appointment of the enquiry officer and that he had refused to receive the letters issued to him *vide* Mark RX-24 (Ex-1/D). He denies having appeared before the enquiry officer on 1-8-2012 and any of the days subsequently before the enquiry officer. He denies that 2nd show cause along-with enquiry report Mark RX-27 (Ex.RW-2/D) was sent to him on the address mentioned in the application form or the personal data sheet.

24. On the contrary, the respondents have examined one Jitender Kumar, Executive Administration, HR. He has placed on record his affidavit Ex.RW-L/A, to contend that the petitioner had been issued show cause notices from 23-11-2011 to 13-3-2012 which he had refused to receive and consequently the same were sent on his postal address made available by the

petitioner at the time of his joining. The petitioner was finally issued a chargesheet dated 15-5-2011 (Ex. RW-1/C). The petitioner read the chargesheet, but refused to receive the same. The chargesheet was thereafter sent to the petitioner through registered post on the address supplied by him. An enquiry was eventually conducted against the petitioner as per the procedure prescribed under the Model Standing Orders and one Shri P.D. Sharma, Retired Labour Inspector from the Labour Department, Punjab was appointed to enquire into matter. The petitioner was duly informed about the appointment of the enquiry officer *vide* registered post. The said enquiry officer had also informed the petitioner. The enquiry officer had fixed 31-7-2012 as the first date of enquiry. The petitioner however was not present, though, the presenting officer had put in appearance. The enquiry officer had fixed the next date as 1-8-2012. The petitioner appeared in the enquiry proceedings. He submitted a letter to the enquiry officer that he is not well and that he had also intimated the same to the respondent. The presenting officer had brought the same to the notice of the enquiry officer. The petitioner was asked to produce ESI certificate from the ESI Medical Officer that he is unwell, so that his request could be accepted. The petitioner did not agree to the same and refused to participate in the enquiry. Since, the petitioner never put in appearance thereafter he was proceeded *ex parte* and after the recording of the statements of the witnesses, the enquiry officer had concluded the enquiry and submitted his report Ex. RW 2/D on 9-8-2012.

25. As per this witness, the enquiry had been conducted as per the principles of natural justice, fair hearing procedure prescribed under the Model Standing Orders. The petitioner inspite of being aware of the enquiry proceedings failed to participate intentionally. The charges levied in the chargesheet were duly proved.

26. It is further averred by RW-1 that 2nd show cause notice was issued to the petitioner on 21-8-2012 along-with the enquiry report (Mark RX-25). The said was sent by registered post. The petitioner refused to reply to the same again a registered letter dated 5-9-2012 (Mark RX-28) was sent to the petitioner. The rest of the contents need not be discussed in detail as they do not pertain to the enquiry per-se.

27. The enquiry officer, Shri P.D. Sharma has appeared as RW-2. As per the enquiry officer the petitioner had refused to accept notices issued by him *vide* Ex. RW-2/A. Likewise he had refused to even accept letter dated 1-8-2012 Ex. RW-2/B. The enquiry officer has also placed on record the enquiry report Ex-RW-2/D. Even as per this witness he had sent the enquiry report along with proceedings to the petitioner. However, in his cross-examination he had admitted that he has not sent any of the letter through registered post. As per him he had sent all the letter through the company representative. He admits that no efforts were made to serve the petitioner by way of publication. He has on his own stated that the presenting officer had disclosed to him that the petitioner is not appearing before the enquiry officer intentionally. He admits having proceeded *ex parte* against the petitioner after 4-8-2012.

28. The entire evidence discussed hereinabove categorically goes to show that the petitioner undoubtedly had been proceeded *ex parte*. The case of the respondent is that they had sent the show cause notices Mark R-1 to Mark R-5 to the petitioner on the address supplied by him, which was the address of his native place Strangely, all these notices had originated after 23-11-2011. Even, the chargesheet Ex.RW-1/C, 2nd show cause notice Mark RX-25 and the enquiry report Ex-RW-2/D had been sent through registered post on his permanent address.

29. The enquiry officer on the other hand has submitted that he had not sent any of his notice or letters through registered post. In fact he had sent all the communication to the petitioner through the representative of the company. This fact is corroborated by the first notice issued by the enquiry officer on 31-7-2012 (Ex. RW-2/A) and notice dated 1-8-2012 (Ex. RW-2/A). One Sanjeev Singh, Shift & Packaging Supervisor had reported in both the notices that the petitioner has

refused to accept the notices and to give any receipt thereof. However, strangely the said Sanjeev Singh has not been examined by the respondent to show that he in-fact tried to serve the petitioner. He was one of the most important witness, as the entire case hinged upon the service if non-service of the petitioner, but he has not been examined. Moreover, he was the presenting officer as is clear from the termination of RW-1. His testimony was thus of utmost importance to clinch the issue of service. More-so because the enquiry officer (RW-2) has also stated that all letters to the petitioner were sent through the company representative.

30. It is further the case of the respondent that he has appeared on 1-8-2012 before the enquiry officer. The enquiry officer had not stated so in his affidavit, but, the proceedings dated 1-8-2012 (Ex. RW-2/C), does show that the presence of the petitioner reflected therein. It however does not bear the signatures of the petitioner. It is however the case of the respondent that the petitioner tried to handover a letter to the enquiry officer of his not being well. A copy of which had already been supplied to the respondent management also. RW-I has also deposed so. RW-I has rather gone to say that the presenting officer of the respondent had brought to the notice of the enquiry officer that, but, strangely again the said letter has also not been placed on record.

31. Over & apart intriguingly on 31-7-2012 *vide* Mark RX-25, the respondents had tried to serve the petitioner on the address of the respondent company itself *i.e.* Khasra No. 85 Village Bhatolikalan, Baddi. Not only this, a notice dated 22-2-2012 Ex. RW-1/F and a notice dated 23-11-2011 Mark RX-1 have been sought to be served on the local address of the petitioner, rather in the factory premises itself. So is the case in Mark RX-3, a show Cause dated 28-2-2012 and Mark RX-Y (Ex. RW-1/H) dated 25-2-2012. In fact a cumulative show cause dated 5-2-2011, which apparently become the genesis of the enquiry, Mark RX-7 was also sought to be served in the company premises itself. The respondents however have failed to examine any of the person to clearly show that the petitioner had refused to take the service of any of the notice. Mr. Sanjeev Singh had purportedly tried to serve the petitioner on all the relevant occasions, and since he was the presenting officer he should have been examined to prove the service, but unfortunately it has not been done. The action of the respondents in getting the person served on his permanent address when there is ample evidence on record, discussed hereinabove supra to show that he was present in the premises of the company casts a serious doubt on the bonafide of the respondents. The non examination of Sanjeev Singh further cements the doubts.

32. The bonafides of the respondents further get confounded by the fact that all the show cause notices originated after 23-11-2011 *i.e.* Mark RX-1 to Mark RX-5. The petitioner admittedly had filed a complaint against the respondent management on 1-11-2011 *vide* Ex. P-8 and by 24-11-2011 the petitioner had also represented to the Hon'ble Chief justice of the Himachal Pradesh High Court *vide* Ex. P-13. By 8-2-2012 (Ex. P-15) investigations into the complaint of the petitioner had already commenced. The respondents admittedly had not prepared the permanent ESI identity card of the petitioner as is clear from the report of the Social Security Officer issued *vide* Ex. P-18. Viewed in this context the action of the respondent becomes highly suspect.

33. Coupled with this the supply of the 2nd show cause notice along-with the enquiry report Ex. RW-2/D is also highly doubtful. As per the witness the enquiry report Ex. RW-2/D was sent along-with Mark RX-25, but apparently there is no reference of the enquiry report having been sent along-with the said notice in Mark-27 itself. There is no reference of the enclosures in Mark RX-25. The non-supply of the enquiry report otherwise is fatal for the respondent. The petitioner atleast had to be heard before imposing the penalty of dismissal.

34. The service of the petitioner was a necessary adjunct during the course of the proceedings before the enquiry officer. In fact prior to It and after the culmination of the enquiry reasonable efforts should have been put by the respondent to serve the petitioner at least at some

stage of the proceedings. No doubt refusal would tantamount to service in some circumstances, but the refusal has to be proved on record. In the case in hand the refusal could have been easily proved by examining Shri Sanjeev Singh, but strangely he has not been examined which certainly raises a presumption to the contrary, more so, keeping in view the bonafides of the respondents discussed hereinabove *supra*. Moreover, there is evidence on record to show that the petitioner was in the factory premises at least till March, 2012 as is clear from Ex. RX-1 to Ex. RX-5 on record and till then he was actually serving in the company itself. There is even no evidence on record to remotely suggest that in May 2012 the petitioner was not present in the factory premises and apart from serving him on his permanent address there was no other plausible way to serve the petitioner. It has thus to be presumed that the respondents intentionally sent all the communications at the permanent address of the petitioner though he could have been served even on his local address at Baddi. The entire process thus is hit by malafidies and the consequential acts as such are also hit likewise. Seemingly, the respondents undertook the entire proceeding as a counter blast to the company made by the petitioner *vide* Ex. P-8 and Ex. P-13 on record. The timings of the notices Mark RX-1 to Mark RX-5 at least categorically suggests so.

35. For all the reason discussed hereinabove it can safely be held that the proceedings initiated against the petitioner were not bonafide and as such were bad for want of proper notice to the petitioner. The petitioner resultantly was condemned un-heard. The non service of the petitioner has vitiated the enquiry proceedings. The petitioner could not get a reasonable opportunity to defend himself, because of his not being served at any stage of the proceedings, whatsoever. The respondents could have served the petitioner both on the local and permanent address of the petitioner, which they have failed to do, gravely prejudicing the right of the petitioner.

36. The learned AR for the petitioner has further placed reliance upon a recent judgment titled as **Jayantibhai Raojibhai Patel Vs. Municipal Council Narkhed & Ors. (Civil Appeal No. 6188 of 2019 arising out of SPL (C) No. 83112 of 2019 dated 21st of August, 2019** to contend that the petitioner be allowed full back wages while ordering his reinstatement. The petitioner no doubt has pleaded in his claim that he is un-employed since the date of his illegal dismissal and more so the act of the respondents has resulted in a grave stigma on his conduct. The petitioner has also averred the same facts in his affidavit. However, in his cross-examination he has admitted that he has two Kanals of land at his village and he has been doing agriculture work during this interregnum. The respondents have merely stated that the petitioner was gainfully employed and is earning Rs. 15,000/- to Rs. 20,000/- per month in and around Baddi as he was a technical person. Over & apart nothing has been proved or placed on record. No doubt, in the aforesaid case the Hon'ble Supreme Court has held that the Tribunal can award back-wages in case the employer has acted in gross violation of the statutory provisions and/or against the principles of natural justice. After having discussed the entire law, however it has been held that the back-wages cannot be denied all together. Keeping in view the ratio laid down in the judgment discussed hereinabove *supra* and the facts and circumstances of the present case, since the bonafides of the respondents have been held to be suspect and even the principles of natural justice having not been followed in the right perspective, and keeping in view the allegations against the petitioner and quality of circumstances discussed above it would be in fitness of things that the respondents be directed to pay back-wages @ 50% to the petitioner.

37. For all the reasons discussed hereinabove *supra* the issues are decided in favour of the petitioner and against the respondents. As a sequel the termination of the petitioner *w.e.f.* 13-10-2012 is quashed and set aside. He is directed to be reinstated forthwith. The petitioner shall however be entitled to seniority and continuity along-with back-wages @ 50% of the wages last drawn. The back-wage shall be paid within three month from the date of publication of the award failing which the same shall carry interest @ 9% per annum till realization thereof.

Relief.

As a sequel of my findings on issues No. 1 & 2, above the termination of the petitioner *w.e.f.* 13-10-2012 is quashed and set aside. He is directed to be reinstated forthwith. The petitioner shall however be entitled to seniority and continuity from the date of his termination. The petitioner shall be entitled to back-wages @ 50% wages as per the last pay drawn on 13-10-2012. The back-wage shall be paid within three month from the date of publication of the award failing which the same shall carry interest @ 9% per annum till realization thereof. Let a copy of this award be sent to the appropriate government for publication in official gazette. File, after completion be consigned to records.

Announced in the open Court today on this 17th Day of March, 2020.

Sd/-
(CHIRAG BHANU SINGH),
Presding Judge,
H.P. Industrial Labour-cum-Labour Court, Shimla.

HIGH COURT OF HIMACHAL PRADESH, SHIMLA-171 001

NOTIFICATION

Shimla, the 24th February, 2021

No. HHC/Admn.16(7)74-XIV.—Hon'ble the Chief Justice, in exercise of the powers vested in him U/S 139(b) of the Code of Civil Procedure, 1908, U/S 297(1) (b) of the Code of Criminal Procedure, 1973 and Rule 5(vi) of the H.P. Oath Commissioners (Appointment & Control) Rules, 2007 has been pleased to appoint Ms. Shashi Bala (HIM/67/2018), Advocate as Oath Commissioner at Nurpur, District Kangra, H.P., for a period of two years with immediate effect for administering oaths and affirmations on affidavits to the deponents under the aforesaid Codes and Rules.

By order,
Sd/-
Registrar General.

HIGH COURT OF HIMACHAL PRADESH, SHIMLA-171 001

NOTIFICATION

Shimla, the 1st March, 2021

No. HHC/Admn.16(34)89-III.—Hon'ble the Chief Justice, in exercise of the powers vested in him U/S 139(b) of the Code of Civil Procedure, 1908, U/S 297(1) (b) of the Code of Criminal Procedure, 1973 and Rule 5(vi) of the H.P. Oath Commissioners (Appointment & Control) Rules, 2007 has been pleased to appoint Ms. Monika Vig (P/1028-B/2000) and Sh. Narain

Singh (HIM/79/2016), Advocates as Oath Commissioners at Dalhousie, District Chamba, H.P., for a period of two years with immediate effect, for administering oaths and affirmations on affidavits to the deponents under the aforesaid Codes and Rules.

By order,
Sd/-
Registrar General.

HIGH COURT OF HIMACHAL PRADESH AT SHIMLA-171001

NOTIFICATION

Shimla, the 24th February, 2021

No. HHC/GAZ/14-383/2017.—Hon'ble the Chief Justice has been pleased to grant *ex-post facto* sanction of 02 days' commuted leave for 01-02-2021 & 02-02-2021 in favour of Ms. Preeti Thakur, Additional District and Sessions Judge-I, Una, H.P.

Certified that Ms. Preeti Thakur had joined the same post and at the same station from where she proceeded on leave, after *expiry* of the above period of leave.

Also certified that Ms. Preeti Thakur would have continued to hold the post of Additional District and Sessions Judge-I, Una, H.P., but for her proceeding on leave for the above period.

By order,
Sd/-
Registrar General.

HIGH COURT OF HIMACHAL PRADESH SHIMLA -171001

NOTIFICATION

Shimla, the 23rd February, 2021

No. HHC/GAZ/14-300/08-I.—Hon'ble the Chief Justice has been pleased to grant 11 days' earned leave *w.e.f.* 24-02-2021 to 06-03-2021 with permission to suffix Sunday falling on 07-03-2021 in favour of Sh. Mohit Bansal, Central Project Co-ordinator, High Court of H.P., Shimla.

Certified that Sh. Mohit Bansal is likely to join the same post and at the same station from where he proceeds on leave after *expiry* of the above period of leave.

Also certified that Sh. Mohit Bansal would have continued to hold the post of Central Project Co-ordinator, High Court of H.P., Shimla but for his proceeding on leave for the above period.

By order,
Sd/-
Registrar General.

HIGH COURT OF HIMACHAL PRADESH, SHIMLA-171001**NOTIFICATION***Shimla, the 1st March, 2021*

No. HHC/GAZ/14-307/09-I.—Hon'ble the Chief Justice has been pleased to grant *ex-post facto* sanction of 18 days' earned leave *w.e.f.* 20-12-2020 to 06-01-2021 in favour of Ms. Kanika Chawla, Sr. Civil Judge-cum-ACJM, Nadaun, H.P.

Certified that Ms. Kanika Chawla has joined the same post and at the same station from where she proceeded on leave, after expiry of the above period of leave.

Also certified that Ms. Kanika Chawla would have continued to hold the post of Sr. Civil Judge-cum-ACJM, Nadaun, H.P., but for her proceeding on leave for the above period.

By order,
Sd/-
Registrar General.

लोक निर्माण विभाग**अधिसूचना**

शिमला—2, 19 मार्च, 2020

सं0पी0बी0डब्ल्यू(बी0)एफ(5)7 / 2018.—यतः हिमाचल प्रदेश के राज्यपाल को यह प्रतीत होता है कि हिमाचल प्रदेश सरकार को सरकारी व्यय पर सार्वजनिक प्रयोजन हेतु गांव पुर्झद, तहसील व जिला कुल्लू हिमाचल प्रदेश में रामशिला बिजली महादेव सड़क के निर्माण हेतु भूमि अर्जित करनी अपेक्षित है, अतएव एतद्वारा यह घोषित किया जाता है कि निम्नलिखित विवरणी में वर्णित भूमि उपर्युक्त प्रयोजन के लिए अपेक्षित है।

2. यह घोषणा, भूमि अर्जन, पुनर्वास और पुनर्व्यवस्थापन में उचित प्रतिकर और पारदर्शिता अधिकार अधिनियम, 2013 (2013 का 30) की धारा-19 के उपबन्धों के अधीन इससे सम्बन्धित सभी व्यक्तियों को सूचना हेतु की जाती है तथा उक्त अधिनियम के अधीन भू-अर्जन समाहर्ता, लोक निर्माण विभाग मण्डी को उक्त भूमि के अर्जन करने के आदेश लेने का एतद्वारा निदेश दिया जाता है।

3. भूमि रेखांक का निरीक्षण भू-अर्जन समाहर्ता, लोक निर्माण विभाग, मण्डी जिला मण्डी के कार्यालय में किया जा सकता है।

विवरणी

जिला	तहसील	गांव	खसरा नं०	रकबा(हि० में)
कुल्लू	कुल्लू	पुईद	210	0-02-35
			243	0-04-05
			242	0-03-71
			278	0-00-16
			284	0-01-61
			285	0-02-86
			287	0-02-39
			291	0-01-90
			149	0-00-75
			148	0-01-38
			147	0-01-40
			146	0-00-14
			145	0-01-11
			387	0-01-35
			386	0-02-13
			391	0-01-89
			390	0-01-40
			389	0-01-88
			406	0-01-44
			404	0-06-32
			कित्ता . .20	0-40-22

आदेश द्वारा,
हस्ताक्षरित /—
(जगदीश चन्द्र शर्मा),
प्रधान सचिव (लोक निर्माण)।

ब अदालत कार्यकारी दण्डाधिकारी, देहरा, तहसील देहरा, जिला कांगड़ा (हि० प्र०)

ब मुकद्दमा :

श्री मोहन वालिया पुत्र नन्द लाल, निवासी गांव व डाकघर देहरा, तहसील देहरा, जिला कांगड़ा (हि० प्र०)।

बनाम

समस्त आम जनता

दरखास्त जेर धारा 13(3) विवाह/जन्म तिथि एवं मृत्यु अधिनियम, 1966.

नोटिस बनाम आम जनता।

श्री मोहन वालिया पुत्र नन्द लाल, निवासी गांव व डाकघर देहरा, तहसील देहरा, जिला कांगड़ा (हि० प्र०) ने इस अदालत में दरखास्त दी है कि उसके पिता श्री नन्द लाल पुत्र श्री मोहलू राम, गांव व डाकघर देहरा, तहसील देहरा, जिला कांगड़ा (हि० प्र०) की मृत्यु पंचायत रजिस्टर में गलती से दर्ज नहीं करवाई गई है अब की जाए। उनकी मृत्यु तिथि 08-09-1962 तथा उनकी मृत्यु गांव देहरा में हुई है।

अतः इस नोटिस द्वारा समस्त जनता तथा सम्बन्धित रिश्तेदारों को सूचित किया जाता है कि यदि किसी को मृत्यु तिथि दर्ज करने बारे में आपत्ति या उजर हो तो वह दिनांक 24-03-2021 समय 10.00 बजे प्रातः स्वयं अथवा किसी वान्छित के माध्यम से हमारे समक्ष अदालत में हाजिर होकर पेश करें। अन्यथा एकतरफा कार्यवाही अमल में लाई जाएगी।

आज दिनांक 24-02-2021 को हमारे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर।

हस्ताक्षरित /—
कार्यकारी दण्डाधिकारी,
तहसील देहरा, जिला कांगड़ा (हि० प्र०)।

ब अदालत कार्यकारी दण्डाधिकारी, देहरा, तहसील देहरा, जिला कांगड़ा (हि० प्र०)

ब मुकदमा :

श्री पविंक राणा पुत्र श्री गरुदेव सिंह, वासी गांव हडयाल, डाकघर बनखण्डी, तहसील देहरा, जिला कांगड़ा।

बनाम

समस्त आम जनता

दरखास्त जेर धारा 13(3) जन्म तिथि एवं मृत्यु अधिनियम, 1966.

नोटिस बनाम आम जनता।

श्री पविंक राणा पुत्र श्री गरुदेव सिंह, वासी गांव हडयाल, डाकघर बनखण्डी, तहसील देहरा, जिला कांगड़ा (हि० प्र०) ने इस अदालत में दरखास्त दी है कि उसका नाम पंचायत रजिस्टर में गलती से दर्ज नहीं करवाया गया है अब दर्ज किया जाए। उसकी जन्म तिथि 26-03-1999 तथा उसका जन्म हडयाल गांव में हुआ है।

अतः इस नोटिस द्वारा समस्त जनता तथा सम्बन्धित रिश्तेदारों को सूचित किया जाता है कि यदि किसी को उसका नाम दर्ज करने बारे में आपत्ति या उजर हो तो वह दिनांक 24-03-2021 समय 10.00 बजे प्रातः स्वयं अथवा किसी वान्छित के माध्यम से हमारे समक्ष अदालत में हाजिर होकर पेश करें। अन्यथा एकतरफा कार्यवाही अमल में लाई जाएगी।

आज दिनांक 24-02-2021 को हमारे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर।

हस्ताक्षरित /—
कार्यकारी दण्डाधिकारी
तहसील देहरा, जिला कांगड़ा (हि० प्र०)।

ब अदालत कार्यकारी दण्डाधिकारी, देहरा, तहसील देहरा, जिला कांगड़ा (हि० प्र०)

ब मुकदमा :

श्रीमती सन्तोष कुमारी पत्नी स्व० श्री सन्त राम, निवासी गांव बडहूं तहसील देहरा, जिला कांगड़ा (हि० प्र०)।

बनाम

समस्त आम जनता

दरख्खास्त जेर धारा 13(3) जन्म तिथि एवं मृत्यु अधिनियम, 1966.

नोटिस बनाम आम जनता।

श्रीमती सन्तोष कुमारी पत्नी स्व० श्री सन्त राम, निवासी गांव बडहूं तहसील देहरा, जिला कांगड़ा (हि० प्र०) ने इस अदालत में दरख्खास्त दी है कि उसके पति श्री सन्त राम की मृत्यु पंचायत रजिस्टर में गलती से दर्ज नहीं करवाई गई है अब दर्ज की जाए। उनकी मृत्यु तिथि 20-12-2005 तथा उनकी मृत्यु गांव बडहूं में हुई है।

अतः इस नोटिस द्वारा समस्त जनता तथा सम्बन्धित रिश्तेदारों को सूचित किया जाता है कि यदि किसी को उनकी मृत्यु तिथि दर्ज करने बारे में आपत्ति या उजर हो तो वह दिनांक 24-03-2021 समय 10.00 बजे प्रातः स्वयं अथवा किसी वानित के माध्यम से हमारे समक्ष अदालत में हाजिर होकर पेश करें। अन्यथा एकतरफा कार्यवाही अमल में लाई जाएगी।

आज दिनांक 24-02-2021 को हमारे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर।

हस्ताक्षरित /—
कार्यकारी दण्डाधिकारी,
तहसील देहरा, जिला कांगड़ा (हि० प्र०)।

ब अदालत कार्यकारी दण्डाधिकारी, देहरा, तहसील देहरा, जिला कांगड़ा (हि० प्र०)

ब मुकदमा :

श्री रोशन लाल नरोत्रा पुत्र चुहड़ू राम, निवासी गांव बंग भनियाल, डाकघर सुनहेत, तहसील देहरा, जिला कांगड़ा।

बनाम

समस्त आम जनता

दरख्खास्त जेर धारा 13(3) जन्म तिथि एवं मृत्यु अधिनियम, 1966.

नोटिस बनाम आम जनता।

श्री रोशन लाल नरोत्रा पुत्र चुहड़ू राम, निवासी गांव बंग भनियाल, डाकघर सुनहेत, तहसील देहरा, जिला कांगड़ा (हि० प्र०) ने इस अदालत में दरख्खास्त दी है कि उसके पुत्र श्री संजय नरोत्रा पुत्र रोशन लाल नरोत्रा, गांव बंग भनियाल, डाकघर सुनहेत, तहसील देहरा का जन्म पंचायत रजिस्टर में गलती से दर्ज नहीं करवाया गया है अब दर्ज किया जाए। उसकी जन्म तिथि 11-05-1976 तथा उसका जन्म गांव चुधरेड में हुआ है।

अतः इस नोटिस द्वारा समस्त जनता तथा सम्बन्धित रिश्तेदारों को सूचित किया जाता है कि यदि किसी को उसका नाम दर्ज करने बारे में आपत्ति या उजर हो तो वह दिनांक 24-03-2021 समय 10.00 बजे प्रातः स्वयं अथवा किसी वान्छित के माध्यम से हमारे समक्ष अदालत में हाजिर होकर पेश करें। अन्यथा एकतरफा कार्यवाही अमल में लाई जाएगी।

आज दिनांक 24-02-2021 को हमारे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर।

हस्ताक्षरित /—
कार्यकारी दण्डाधिकारी,
तहसील देहरा, जिला कांगड़ा (हि० प्र०)।

ब अदालत सहायक समाहर्ता द्वितीय श्रेणी, देहरा, जिला कांगड़ा (हि०प्र०)

मुकदमा संख्या : 21 / एन०टी० / 2020

किस्म मुकदमा : दुरुस्ती नाम

रोहित कुमार

बनाम

आम जनता

ब मुकदमा उपरोक्त अदालत हजा में श्री रोहित कुमार पुत्र भीम सिंह, महाल चौकी कलां, मौजा डोहग, तहसील देहरा ने दुरुस्ती नाम की दरख्खास्त दायर कर रखी है। इसलिए समस्त आम जनता को इस मुश्त्री मुनादी द्वारा सूचित किया जाता है कि श्री रोहित पुत्र भीम सिंह, महाल चौकी कलां, मौजा डोहग, तहसील देहरा की बजाए श्री रोहित कुमार पुत्र भीम सिंह, महाल चौकी कलां, मौजा डोहग, तहसील देहरा दर्ज किया जाए। यदि इस बारे किसी को कोई भी अपत्ति/एतराज हो तो वह दिनांक 24-03-2021 को सुबह 10.00 बजे असालतन या वकालतन हाजिर आवें हाजिर न आने की सूरत में नियमानुसार उपरोक्त मुकदमा में आपके खिलाफ कार्यवाही अमल में लाई जाएगी।

रोहित कुमार बनाम आम जनता

आज दिनांक 24-02-2021 को मेरे हस्ताक्षर व मोहर अदालत से जारी हुआ।

नोट.—पटवारी हल्का पलोटी को भेज कर लिखा जाता है कि बजरिया चौकीदार के माध्यम से मुश्त्री मुनादी मौका पर ढोल पिटवाकर करवाई जावे तथा रोजनामचा रपट डाले (रोजनामचा रपट) की कापी साथ संलग्न करें।

मोहर।

हस्ताक्षरित/—
सहायक समाहर्ता द्वितीय श्रेणी,
देहरा, जिला कांगड़ा (हिं0 प्र0)।